

TIM VARELA, SR.,)	
)	
Appellant,)	Case No.: 2:15-cv-02497-GMN
vs.)	
)	ORDER
WELLS FARGO BANK, N.A.,)	
)	
Appellee.)	
)	

A bankruptcy court's resolution of an objection to a proof of claim is reviewed for abuse of discretion. *Bitters v. Networks Elec. Corp.*, 195 B.R. 92, 96 (9th Cir. BAP 1996). Additionally, a district court reviews a bankruptcy court's order to lift an automatic stay under 11 U.S.C. § 362 for an abuse of discretion. *See In re Mac Donald*, 755 F.2d 715, 716 (9th Cir. 1985) ("A decision to lift the automatic stay under 11 U.S.C. § 362 is within the discretion of the bankruptcy judge and reviewed for an abuse of discretion.").

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1 *States v. Hinkson*, 585 F.3d 1247, 1262 (9th Cir. 2009). If the bankruptcy court applied the
 2 wrong legal standard, it abused its discretion. *Id.* If the bankruptcy court identified the correct
 3 legal rule, the court must then determine whether the bankruptcy court's application of the
 4 correct legal standard was (1) illogical, (2) implausible, or (3) without support. *Id.*

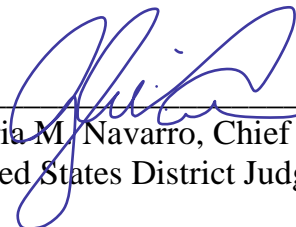
5 Here, the Court has reviewed the parties' briefing, the orders at issue, and the transcript
 6 from the hearing on the motions at issue.¹ Based on this review, the Court finds that the
 7 Bankruptcy Court did not abuse its discretion in denying Appellant's objection to Appellee's
 8 proof of claim or granting Appellee's motion for relief from automatic stay.² Moreover, the
 9 Court finds that Judge Beesley did not commit error by failing to recuse himself.

10 **IT IS HEREBY ORDERED** that the Order Denying Appellant's Objection to
 11 Appellee's Proof of Claim is **AFFIRMED**.

12 **IT IS FURTHER ORDERED** that the Order Granting Appellee's Motion to Lift
 13 Automatic Stay is **AFFIRMED**.

14 **IT IS FURTHER ORDERED** that Appellee's Ex Parte Motion for Order Shortening
 15 Time for Hearing on Debtor's Emergency Motion to Stay Foreclosure Pending Appeal is
 16 **DENIED as moot**.

17 **DATED** this 3 day of May, 2016.

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 20 _____
 21 Gloria M. Navarro, Chief Judge
 22 United States District Judge

23 ¹ The Court takes judicial notice of the docket for *In re: Varela*, No. 2:14-bk-18161 (Bankr. D. Nev. Dec. 12,
 24 2014).

25 ² Appellant presents bizarre, unsupported allegations that he cannot recall key events because he was "drugged
 by a Colombian prostitute family living in Katy, Texas to Santa Rosa De Cabal, Colombia," and he "still suffers
 from the effects." (Opening Br. 6:22-27, ECF No. 10). Moreover, Appellant believes, without factual support,
 that Appellee Wells Fargo was behind the alleged drugging. (Tr. 6:13-14, ECF No. 110 of Bankr. Docket).